

NEVADA LEGISLATURE

Thirty-Fifth Special Session, 2023

ASSEMBLY DAILY JOURNAL

THE EIGHTH DAY

CARSON CITY (Wednesday), June 14, 2023

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

All present except Assemblywomen Monroe-Moreno and Newby, who were excused.

Prayer by Assemblywoman Tracy Brown-May.

Join me in today's prayer. Whoever Your Heavenly Being is, we all can come together collectively to offer our thanks and our praise. We offer our prayers and our thanks for all of our Heavenly Father's good works. We want to offer our thanks and continued blessings on the Vegas Golden Knights and their outstanding win on their home rink. This we could not have imagined. We are ever so grateful to host such a wonderful team that has helped build community.

As members of this distinguished body, I know we each are thankful for the opportunity we have to build community and support our constituents. As we go forward today, we humbly ask for wisdom and the ability to live in Your virtue. Let today be one filled with grace, and may Your blessings be on this Chamber, with our members, and with all of Nevada. Together, we offer our thanks.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman C.H. Miller moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman C.H. moved the Assembly resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 1.

Motion carried.

COMMITTEE OF THE WHOLE IN SESSION

At 11:20 a.m.

Chair Yeager presiding.

Quorum present.

Senate Bill No. 1 considered.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Assemblyman C.H. Miller moved that Senate Bill No. 1 be returned to the Assembly without recommendation.

Seconded by Assemblyman O'Neill.

Motion carried.

On motion of Assemblyman C.H. Miller, the Committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 11:22 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee of the Whole, to which was referred Senate Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

STEVE YEAGER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman C.H. Miller moved that all rules be suspended, Senate Bill No. 1 be declared an emergency measure under the *Constitution* and be placed on General File and third reading.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 4:55 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman C.H. Miller moved to dispense with the reprint of Senate Bill No. 1.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

The following amendment was proposed by Speaker of the Assembly:

Amendment No. 2.

AN ACT relating to economic infrastructure projects; enacting the Southern Nevada Tourism Innovation Act; amending the Southern Nevada Tourism Improvements Act; requiring under certain circumstances the establishment in Clark County of a sports and entertainment improvement district for the financing of a Major League Baseball stadium project; authorizing the Clark County Stadium Authority to carry out the provisions of law governing the Major League Baseball stadium project; ~~requiring the creation of a Clark County homelessness prevention and assistance fund;~~ authorizing the pledge of certain taxes, fees and charges for the payment of bonds and other purposes relating to the financing of the Major League Baseball stadium project; requiring the State Treasurer, under certain circumstances, to provide a credit enhancement on bonds issued to finance the construction of the Major League Baseball stadium project; requiring the issuance of general obligations of Clark County for the financing of a Major League Baseball stadium project under certain circumstances; authorizing the issuance of transferable tax credits to developer partners for qualified projects relating to the Major League Baseball stadium project; eliminating certain exemptions from prevailing wage requirements relating to railroad companies or monorails; requiring certain new or expanding businesses to provide certain paid family and medical leave to employees in order to qualify for a partial abatement of certain taxes; making an appropriation; and providing other matters properly relating thereto. **If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:**

Legislative Counsel's Digest:

Existing law creates the Clark County Stadium Authority as a public body to carry out the provisions of the Southern Nevada Tourism Improvements Act governing the National Football League stadium project, and existing law provides for the Stadium Authority to be governed by a Board of Directors. (Chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 19)

This bill enacts the Southern Nevada Tourism Innovation Act to establish a method to finance a Major League Baseball stadium project. **Sections 4-17** of this bill define terms for the purposes of the Southern Nevada Tourism Innovation Act. **Sections 18-35** of this bill establish a method to finance the design, entitlement, acquisition, construction, improvement, repair, demolition, reconstruction, equipment, financing, promotion, leasing, subleasing, management, operation and maintenance of a Major League Baseball stadium project.

Section 21 of this bill authorizes the Stadium Authority to exercise certain powers which are in addition to the powers granted to the Stadium Authority under the Southern Nevada Tourism Improvements Act.

Section 28 of this bill requires that, upon receiving notification that the Stadium Authority has taken certain actions relating to the relocation of a Major League Baseball team, the Board of County Commissioners of Clark County must create a sports and entertainment improvement district, the general location of which is the southeast corner of Las Vegas Boulevard and

Tropicana Avenue in Clark County, to assist in the financing of a Major League Baseball stadium project. Under **section 28**, the sports and entertainment improvement district is required to: (1) be located entirely within Clark County and outside the boundaries of any incorporated city; (2) include only parcels of land, or portions thereof, on which the Major League Baseball stadium project is located or will be located and any surrounding or adjacent properties necessary for the operation of that project; and (3) not include any operating hotel or other public accommodation facility or any operating licensed gaming establishment. **Section 28** authorizes the Board of County Commissioners to amend or modify the boundaries of the sports and entertainment improvement district but prohibits such an amendment or modification from: (1) impairing any bonds issued to finance the construction of the Major League Baseball stadium project; (2) excluding from the sports and entertainment improvement district any parcel of land, or portion thereof, on which the Major League Baseball stadium project is or will be located or any surrounding or adjacent property necessary for the operation of that project; or (3) including within the district any operating hotel or other public accommodation facility or any operating licensed gaming establishment

Section 22 of this bill requires the Stadium Authority to negotiate and enter into a development agreement, lease agreement and non-relocation agreement with respect to the Major League Baseball stadium project if the Board of Directors determines that a Major League Baseball team has committed to locate or relocate within the sports and entertainment improvement district. **Section 22** also establishes requirements for the development agreement, lease agreement and non-relocation agreement. **Section 33** of this bill sets forth additional provisions which must be included in the development agreement, lease agreement and non-relocation agreement, including, without limitation, the maximum financial contribution of the Stadium Authority to the development and construction of the Major League Baseball stadium project. **Section 24** of this bill provides for the confidentiality of certain information provided to the Stadium Authority under certain circumstances. **Section 25** of this bill generally exempts the Major League Baseball stadium project from laws requiring competitive bidding or specifying procedures for the procurement of goods or services, and from laws governing public works projects, except that the pertinent construction contracts must comply with the statutory prevailing wage provisions and, if the Stadium Authority determines a subcontract can be competitively bid without affecting the quality of the project, the subcontract must be competitively bid. Additionally, **section 26** of this bill requires that any contract or agreement entered into by a prime contractor for the construction of the Major League Baseball stadium project must include provisions requiring that at least 15 percent of the subcontracts for the project must be with small local businesses.

Section 27 of this bill requires the Stadium Authority to retain the sole and exclusive right to enter into agreements for the sale, license or transfer of personal seat licenses, stadium builder's licenses or other similar instruments

for any and all seats in the Major League Baseball stadium project to generate revenues for the construction of the Major League Baseball stadium project.

Section 34 of this bill requires the Board of County Commissioners of Clark County to issue general obligation bonds of the County upon the request of the Board of Directors of the Stadium Authority if certain requirements have been met. **Section 34** also requires the proceeds from the issuance of the general obligation bonds to be distributed to the Stadium Authority and used for certain purposes related to the Major League Baseball stadium project.

Sections 29 and 30 of this bill enact provisions governing the sources of revenue used to pay the debt service on bonds issued by the County pursuant to **section 34**. **Section 29**: (1) requires the Board of County Commissioners, in order to pay the principal and interest on bonds issued by the County pursuant to **section 34** and to make certain other payments, to pledge the proceeds of certain taxes, fees and charges imposed by the State and the County; and (2) provides that, with respect to the taxes, fees and charges imposed by the State, such a pledge does not constitute a pledge of the full faith and credit of the State and does not prevent the Legislature from enacting, amending or repealing any law or other legislative measure relating to those taxes, fees or charges. **Section 30** of this bill requires, under certain circumstances, the State Treasurer to provide a credit enhancement on bonds issued to finance the construction of the Major League Baseball stadium project. **Section 41** of this bill makes an appropriation of \$14,000,000 to the Nevada State Infrastructure Bank Fund for this credit enhancement, effective upon the passage and approval of this bill.

Section 32 of this bill requires the county treasurer of Clark County, after paying any principal, interest or other costs due in connection with any bonds and establishing a reserve fund, to transfer the proceeds of the taxes, fees and charges pledged to the financing or refinancing of the Major League Baseball stadium project to the Stadium Authority to be used for certain purposes.

Section 31 of this bill authorizes a developer partner of a qualified project to apply to the Stadium Authority for a certificate of eligibility for transferable tax credits. **Section 31** prohibits the Stadium Authority from approving more than \$36,000,000 in transferable tax credits in a fiscal year or \$180,000,000 in total for all qualified projects in this State.

~~[Section 20 of this bill requires the Board of County Commissioners to create a Clark County homelessness prevention and assistance fund to provide assistance to people who are at risk of becoming homeless or are currently experiencing homelessness by supporting certain programs.]~~ **Section 23** of this bill requires, as part of the development and operation of the Major League Baseball stadium project, the development of a community benefits agreement and the creation of a baseball stadium community oversight committee to oversee the implementation and administration of the community benefits agreement.

Section 35 of this bill provides that the authority of the Board of Directors to undertake the Major League Baseball stadium project expires under certain circumstances.

Sections 36-37.5 of this bill revise the membership of the Board of Directors of the Stadium Authority.

Existing law authorizes a person who intends to locate or expand a business in this State to apply to the Office of Economic Development for a partial abatement of certain taxes. The Office is required to approve an application for such a partial abatement if the Office makes certain determinations. (NRS 360.750) **Section 39** of this bill revises the determinations the Office must make to approve an application for such a partial abatement to require that a business provide certain paid family and medical leave to employees of the business. **Section 39** requires a business that will have at least 50 full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective to, by the earlier of the eighth calendar quarter following the calendar quarter in which the abatement becomes effective or the date on which the business has at least 50 employees on the payroll of the business: (1) have a policy for paid family and medical leave; and (2) agree that all employees who have been employed by the business for at least 1 year will be eligible for at least 12 weeks of paid family and medical leave at a rate of at least 55 percent of the regular wage of the employee. Further, the business must agree in writing that the business will not take certain actions in relation to an employee's use of such paid family and medical leave. **Section 39** also provides that if a business has a policy for paid family and medical leave for employees on the payroll of the business outside of this State that meets or exceeds the requirements for a policy of paid family and medical leave set forth in **section 39** and the business agrees in writing that its employees on the payroll in this State are eligible for paid family and medical leave under the policy, the Office must determine that the business's policy meets the necessary requirements for obtaining the partial abatement.

Existing law requires that every contract to which a public body is a party that requires the employment of certain workers to perform the public work must require that such workers be paid at least the wages prevailing for the type of work that the worker performs in the region in which the public work is performed. (NRS 338.020) Existing law exempts from the requirements to pay the prevailing wage any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, regardless of whether a public body is party to the contract. (NRS 338.080) **Section 38** of this bill removes this exemption, and as a result, any such activity or employment may be subject to the prevailing wage requirements.

Existing law also exempts the work of or incident to the installation and operation of a monorail from the prevailing wage requirements. (NRS 705.690) **Section 40** of this bill removes this exemption, and as a result, the

work of or incident to the installation and operation of a monorail may be subject to the prevailing wage requirements.

Section 8.5 of Senate Bill No. 1 First Reprint is hereby amended as follows:

~~Sec. 8.5. [“Clark County homelessness prevention and assistance fund” means the fund created by the County pursuant to section 20 of this act.]~~
(Deleted by amendment.)

Section 20 of Senate Bill No. 1 First Reprint is hereby amended as follows:

~~Sec. 20. [1. The Board of County Commissioners shall create a Clark County homelessness prevention and assistance fund.~~

~~2. In managing the fund, the County shall coordinate with local governments in the County that provide the services described in subsection 3.~~

~~3. Money in the fund shall be used exclusively to provide assistance to people who are at risk of becoming homeless or are currently experiencing homelessness by supporting programs which are designed to:~~

~~(a) Prevent homelessness;~~

~~(b) Help individuals and families to regain stable housing; or~~

~~(c) Diminish the incidence of homelessness throughout the County.~~

~~4. To the extent practicable, money in the fund shall be invested in programs which provide a range of service, including, without limitation, emergency rental assistance, utility assistance, case management, job training, rehabilitation, respite and counseling services.]~~ **(Deleted by amendment.)**

Section 23 of Senate Bill No. 1 First Reprint is hereby amended as follows:

Sec. 23. 1. The developer partner and the Baseball Stadium Events Company shall develop a community benefits agreement to ensure the greatest possible participation by all segments of the local community in the economic opportunities available in connection with the design, construction and operation of the Major League Baseball stadium project developed by the developer partner and operated by the Baseball Stadium Events Company. The community benefits agreement must be approved by the Board of Directors. The community benefits agreement must be reviewed and updated not less than once every 5 years and each such update must be approved by the Board of Directors.

2. The community benefits agreement must include, without limitation, provisions that:

(a) Establish requirements designed to ensure diversity among the workforce, subcontractors and vendors used to construct and operate the Major League Baseball stadium project;

(b) Require the payment of a living wage to employees of the Major League Baseball stadium project;

(c) Establish requirements for community engagement by the Baseball Stadium Events Company and the Major League Baseball team, including, without limitation:

(1) Participation by players of the Major League Baseball team in the community, including, without limitation, in education programs;

(2) The donation of tickets; and

(3) Programs to support youth baseball in underserved communities;
(d) Provide for the use of a community suite by charitable, community or economic development organizations;

(e) Require the developer partner and the Baseball Stadium Events Company to provide:

(1) Educational programming in the ~~community,~~ **State**, including, without limitation, by working in partnership with local colleges and universities to provide programs of career development for the sports industry; and

(2) Scholarships, internships and mentorship programs; and

(f) Require the developer partner and the Baseball Stadium Events Company to make an adequate financial commitment in the community, including, without limitation, an annual commitment of cash and in-kind services which must not be less than:

(1) During the period beginning with the calendar year in which the County issues bonds and ending in the calendar year following the calendar year in which a certificate of occupancy or other governmental authorization in order to operate the Major League Baseball stadium project is issued, \$500,000 per calendar year.

(2) Beginning with the immediately succeeding calendar year after the end of the period set forth in subparagraph (1), an amount per calendar year that is the greater of ~~[\$1,500,000]~~ **\$2,000,000** or 1 percent of Major League Baseball team ticket revenue generated by the Major League Baseball stadium project for the calendar year.

3. A baseball stadium community oversight committee must be created to oversee the implementation and administration of the community benefits agreement developed pursuant to subsection 1. The baseball stadium community oversight committee is hereby authorized to enforce the provisions of the community benefits agreement which it was created to oversee.

4. The baseball stadium community oversight committee must consist of seven members to be appointed as follows:

(a) Two members appointed by the Board of Directors, one of whom the Board of Directors shall designate to serve as the Chair;

(b) One member appointed by the Governor;

(c) One member appointed by the Majority Leader of the Senate;

(d) One member appointed by the Speaker of the Assembly; and

(e) Two members appointed by the Board of County Commissioners.

Ê In appointing members to the baseball stadium community oversight committee, the appointing authority shall consider whether the members appointed to the committee reflect the diversity of this State, including, without limitation, the age, gender, gender identity or expression, sexual orientation, ethnic and geographic diversity of this State.

5. A person must not be appointed to the baseball stadium community oversight committee if he or she is:

(a) An elected official;

(b) An employee of the Major League Baseball team or an affiliate or related entity of the Major League Baseball team;

(c) A representative of a business that is engaged by a business providing goods or services to the Major League Baseball team or the Major League Baseball stadium project; or

(d) A representative of a labor union representing employees, or seeking to represent employees, working at or for the Major League Baseball stadium project.

6. The baseball stadium community oversight committee constitutes a public body for the purposes of chapter 241 of NRS.

7. In addition to such other reports as the Board of Directors or the baseball stadium community oversight committee may require, on or before December 31 of each even-numbered year, the developer partner and the Baseball Stadium Events Company shall jointly prepare and submit a community benefits progress and accountability report to the:

(a) Governor;

(b) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature;

(c) County manager of the County;

(d) Chair of the Board of Directors; and

(e) Chair of the baseball stadium community oversight committee.

8. The report required pursuant to subsection 7 must include, without limitation:

(a) The terms of the community benefits agreement that were in effect during the period of time covered by the report;

(b) An evaluation of the compliance of the developer partner and the Baseball Stadium Events Company with the terms of the community benefits agreement identified pursuant to paragraph (a); and

(c) An evaluation of the effect of the Major League Baseball stadium project on the community at large.

9. The Board of Directors shall appoint a community benefits director to advise the baseball stadium community oversight committee and monitor the compliance of the developer partner and the Baseball Stadium Events Company with the terms of the community benefits agreement. **A person must not be appointed as the community benefits director:**

(a) Unless the person resided in the County for at least 5 years immediately preceding the date of his or her appointment.

(b) If person is an employee of the Major League Baseball team or an affiliate or related entity of the Major League Baseball team or an employee of the Major League Baseball stadium project or an affiliate or related entity of the Major League Baseball stadium project.

(c) If the person directly provides good or services to a Major League Baseball team or the Major League Baseball stadium project or is an employee of a business that directly provides goods or services to a Major League Baseball team or the Major League Baseball stadium project.

10. If the baseball stadium community oversight committee determines that the developer partner or the Baseball Stadium Events Company has failed to comply with the terms of the community benefits agreement, the community benefits director shall notify the developer partner, the Baseball Stadium Events Company and the Major League Baseball team in writing that the baseball stadium community oversight committee has made such a determination of noncompliance. Upon receipt of such a notice, the developer partner and the Baseball Stadium Events Company, in coordination with the Major League Baseball team, shall submit in writing to the community benefits director:

(a) A response to the determination of noncompliance by the baseball stadium community oversight committee which includes, without limitation, any reasons that the developer partner or the Baseball Stadium Events Company has not complied with the terms of the community benefits agreement;

(b) A description of the actions that that the developer partner or the Baseball Stadium Events Company will take to cure any noncompliance with the terms of the community benefits agreement; and

(c) A projected timeline by which the developer partner and the Baseball Stadium Events Company will be in full compliance with the terms of the community benefits agreement.

11. If the baseball stadium community oversight committee determines that the response submitted by the developer partner and the Baseball Stadium Events Company pursuant to subsection 10 is insufficient or the baseball stadium community oversight committee determines that the developer partner and the Baseball Stadium Events Company are not taking the actions set forth pursuant to paragraph (b) of subsection 10 in a timely manner, the baseball stadium community oversight committee shall notify the Board of Directors of its findings and may request that the Board of Directors initiate legal proceedings to enforce the terms of the community benefits agreement.

Section 32 of Senate Bill No. 1 First Reprint is hereby amended as follows:

Sec. 32. 1. After paying any amounts needed to pay any principal, interest or other costs due in connection with any bonds issued to finance or refinance the Major League Baseball stadium project and to establish a reserve fund to secure the payment of such bonds, the County Treasurer shall transfer the amounts pledged pursuant to section 29 of this act to the Stadium Authority. The Stadium Authority shall deposit such proceeds into the baseball stadium tax account created pursuant to section 19 of this act.

2. Except as otherwise provided in subsection 3, before the issuance of any bonds, the Stadium Authority shall use the money in the baseball stadium tax account created pursuant to section 19 of this act only for one or more of the following purposes:

(a) To pay all or part of the cost to acquire, construct, design, entitle, lease, improve, equip, operate or maintain, or any combination thereof, within the

boundaries of the sports and entertainment improvement district, the Major League Baseball stadium project.

(b) To establish a bond reserve fund and other reserves for the payment of the principal of such bonds or of the sinking fund payments with respect to such bonds, the purchase or redemption of such bonds, the payment of interest on such bonds or the payment of any redemption premium required to be paid when the bonds are redeemed before maturity.

(c) To pay the costs incurred by the Stadium Authority to carry out the provisions of sections 18 to 35, inclusive, of this act in an amount not to exceed \$2,000,000.

3. The Stadium Authority shall not expend any proceeds of the taxes, fees and charges described in section 29 of this act to pay any costs to acquire, construct, design, entitle, lease, improve, equip, operate or maintain, or any combination thereof, the Major League Baseball stadium project unless:

(a) The costs are costs described in paragraph (c) of subsection 2; or

(b) The conditions set forth in paragraphs (a) to (d), inclusive, of subsection 1 of section 22 of this act have been satisfied.

4. Except as otherwise provided in subsection 5, after the issuance of any bonds, the Stadium Authority shall use money in the baseball stadium tax account created pursuant to section 19 of this act only for the following uses:

(a) To pay the administrative costs of the Stadium Authority in an amount not to exceed \$1,000,000 each fiscal year, as adjusted annually pursuant to subsection 7.

(b) From the proceeds remaining after the payments required by paragraph (a), to supplement the cost of operating and maintaining the Major League Baseball stadium project if the Board of Directors determines such payments are necessary because the Baseball Stadium Events Company has failed to perform or breached the lease agreement entered into pursuant to subsection 1 of section 22 of this act or a combined development and lease agreement entered into pursuant to subsection 4 of section 22 of this act.

(c) From the proceeds remaining after the payments required by paragraphs (a) and (b), to create and make contributions to a debt service reserve fund:

(1) Until the start of the fiscal year immediately following the date on which a certificate of occupancy or other governmental authorization required in order to operate the Major League Baseball stadium project is issued or obtained, in an amount equal to such remaining proceeds until the debt service reserve level on the bonds is two times the average annual debt service on such bonds; and

(2) After such date, in an amount not to exceed \$5,000,000 each fiscal year until the maximum debt service reserve level on the bonds is two times the average annual debt service on such bonds.

(d) From the proceeds remaining after the payments required by paragraphs (a), (b) and (c), to repay any amounts drawn under a credit enhancement or repay the special obligation of the County provided pursuant to section 30 of this act.

(e) From the proceeds remaining after the payments required by paragraphs (a) to (d), inclusive, to replenish any draws on the debt service reserve funds for the bonds in an amount equal to the total aggregate amount of any such draws.

(f) From the proceeds remaining after the payments required by paragraph (a) to (e), inclusive, and upon completion of the Major League Baseball stadium project, to make contributions to the baseball stadium capital projects fund created pursuant to section 19 of this act in an amount equal to at least \$5,000,000 per fiscal year, as adjusted annually pursuant to subsection 7.

(g) From the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, to refund to the State any amount of transferable tax credits made available to a developer partner pursuant to section 31 of this act in excess of \$60,000,000, up to a total aggregate refund of \$120,000,000 and transmit money to the ~~Clark~~ County ~~Homelessness prevention and assistance~~ **for deposit in the community housing fund of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households** in the following amounts:

(1) Until a total of \$45,000,000 has been refunded to the State for any amount of transferable tax credits issued pursuant to section 31 of this act in excess of \$60,000,000:

(I) An amount equal to 90 percent of the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, to refund to the State any amount of transferable tax credits issued pursuant to section 31 of this act in excess of \$60,000,000; and

(II) An amount equal to 10 percent of the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, for transmittal to the ~~Clark~~ County ~~Homelessness prevention and assistance~~ **for deposit in the community housing fund of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households,** except that the amount of proceeds transmitted pursuant to this sub-subparagraph must not exceed \$5,000,000 per fiscal year, as annually adjusted pursuant to subsection 7.

(2) Once \$45,000,000 or more has been refunded to the State for any amount of transferable tax credits issued pursuant to section 31 of this act in excess of \$60,000,000:

(I) An amount equal to 80 percent of the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, to refund to the State any amount of transferable tax credits issued pursuant to section 31 of this act in excess of \$60,000,000 until a total aggregate refund of \$120,000,000 has been made; and

(II) An amount equal to 20 percent of the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, for transmittal to the ~~Clark~~ County ~~Homelessness prevention and assistance~~ **for deposit in the community housing fund of the County to be used exclusively for the**

procurement and development of supportive housing and housing that serves low-income households, except that the amount of proceeds transmitted pursuant to this sub-subparagraph must not exceed \$5,000,000 per fiscal year, as annually adjusted pursuant to subsection 7.

(h) From the proceeds remaining after the payments required by paragraphs (a) to (g), inclusive, and upon completion of the Major League Baseball stadium project, to make contributions to the ~~Clark County Homelessness prevention and assistance fund~~ in an amount equal to at least \$5,000,000 per fiscal year, as adjusted annually pursuant to subsection 7, **for deposit in the community housing fund of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households.**

(i) From the proceeds remaining after the payments required by paragraphs (a) to (h), inclusive, to make payments to a fund to provide early debt retirement in an amount determined by the Stadium Authority, a fund to make capital improvements to the Major League Baseball stadium project in an amount determined by the Stadium Authority and, subject to the provisions of subsection 10, a fund to pay for any infrastructure the Stadium Authority determines is required on or around the project, except that no payment pursuant to this paragraph may violate any covenant made in connection with the bonds and, if any payment would violate such a covenant, the amount of the payment must be used for such purpose as specified in the ordinance or other instrument under which the bonds were issued.

5. Upon the later to occur of the dates set forth in subparagraph (1) of paragraph (b) of subsection 7 of section 29 of this act, the Stadium Authority may use an amount not to exceed 10 percent of the proceeds of the taxes, fees and charges described in section 29 of this act generated in a fiscal year:

(a) To pay the operating expenses of the Stadium Authority; and

(b) To pay for capital improvements to the Major League Baseball stadium project in an amount determined by the Stadium Authority and, subject to the provisions of subsection 10, any infrastructure the Stadium Authority determines is required on or around the Major League Baseball stadium project.

6. The proceeds of the taxes, fees and charges described in section 29 of this act, less the amount otherwise allocated to the Stadium Authority pursuant to subsection 5, shall be returned to the taxing entity or other entity that collected such taxes, fees and charges for use by such taxing entity or other entity in accordance with law once:

(a) The bonds have been fully repaid and retired; and

(b) All refundable transferable tax credits issued pursuant to section 31 of this act have been repaid to the State pursuant to paragraph (d) of subsection 8 of section 31 of this act.

7. The monetary amounts specified in paragraphs (a), (f), and (h) of subsection 4 and the monetary amounts required by paragraph (g) of subsection 4 to be transmitted to the ~~Clark County Homelessness prevention~~

~~and assistance}~~ **for deposit in the community housing fund of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households** must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the consumer price inflation index between the calendar year ending on December 31, 2023, and the calendar year immediately preceding the fiscal year for which the adjustment is made.

8. Any debt service reserve fund described in this section to secure the payment of the bonds must be held by the County or a trustee for the bonds. The debt service reserve fund must be funded with cash and investments permitted by the bond ordinance and NRS 355.170. Interest on money in the debt service reserve fund must remain in the fund and be used for the purposes for which the fund was created. In addition to the uses of the debt service reserve fund in paragraph (b) of subsection 2, money in the debt service reserve fund may be:

(a) Allocated to pay the final years' debt service on the bonds secured by the reserve funds if the money in the fund is fully sufficient to retire all outstanding bonds secured thereby;

(b) When all bonds and any special obligations of the County under section 30 of this act are no longer outstanding, transferred to the baseball stadium capital projects fund created pursuant to section 19 of this act, provided that following such a transfer:

(1) No subsequent payment of such money from the baseball stadium capital projects fund may violate any covenant made in connection with the bonds; and

(2) If any subsequent payment of money from the baseball stadium capital projects fund would violate any covenant made in connection with the bonds, the amount of any such subsequent payment may be used for such other purposes as required by the ordinance or other instrument under which the bonds were issued; or

(c) A combination of the purposes set forth in paragraphs (a) and (b).

9. Any allocation of money in the debt service reserve fund pursuant to paragraph (a), (b) or (c) of subsection 8 requires the approval of the Stadium Authority, except that the County may, in its sole discretion, allocate money in the debt service reserve fund to pay scheduled principal and interest payments on the bonds.

10. For purposes of determining the infrastructure required on or around the Major League Baseball stadium project to be funded as provided in paragraph (i) of subsection 4 and paragraph (b) of subsection 5, upon completion of the Major League Baseball stadium project and continuing each year thereafter, the County shall provide to the Stadium Authority a list of infrastructure on or around the Major League Baseball stadium project that the County proposes to be funded as provided in paragraph (i) of subsection 4 and paragraph (b) of subsection 5. The Stadium Authority shall consider such list

when determining which infrastructure will be funded as provided in paragraph (i) of subsection 4 and paragraph (b) of subsection 5.

11. As used in this section : ~~1, “consumer”~~

(a) “Consumer price inflation index” means the Consumer Price Index for All Urban Consumers, U.S. City Average, West Urban (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Stadium Authority.

(b) “Low-income household” means a household, which may include one or more persons, with a median household income of not more than 30 percent of the area median household income, based on the guidelines published by the United States Department of Housing and Urban Development.

(c) “Supportive housing” means subsidized housing that reduces barriers to retaining housing that are caused by a person’s rental history, criminal history and income through the provision of onsite and offsite supportive services that are designed to assist a person who has:

(1) A disabling behavioral or physical health condition; and

(2) Experienced:

(I) Homelessness or been at imminent risk of homelessness; or

(II) Unnecessary institutionalization.

(d) “Supportive services” includes, without limitation, social services, community support services, case management services, employment services, health care and behavioral health treatment.

Section 36 of Senate Bill No. 1 First Reprint is hereby amended as follows:

Sec. 36. Section 22 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 20, is hereby amended to read as follows:

Sec. 22. 1. The Stadium Authority must be governed by a Board of Directors consisting of the County Treasurer ~~and~~ *and State Treasurer*, who ~~is a~~ *are* nonvoting, ex officio ~~member~~ *members* of the Board, and ~~nine~~ *11* members to be appointed as follows:

(a) Three members appointed by the Governor, at least one of which must be appointed in the manner set forth in subsection 2.

(b) Three members appointed by the Board of County Commissioners, at least one of which must be appointed in the manner set forth in subsection 2.

(c) *One member appointed by the Majority Leader of the Senate, who must not be a person who is currently serving as a Legislator.*

(d) *One member appointed by the Speaker of the Assembly, who must not be a person who is currently serving as a Legislator.*

(e) One member appointed by the President of the University who must be the executive director in charge of managing events for the University

or, if that position ceases to exist, another officer or employee of the University who has experience in the management of events.

~~[(d)]~~ (f) Two members representing the public elected by the members appointed pursuant to paragraphs (a) ~~[(b) and (c)]~~ to (e), *inclusive*. In electing members pursuant to this paragraph, the members appointed pursuant to paragraphs (a) ~~[(b) and (c)]~~ to (e), *inclusive*, shall consider the recommendations of:

(1) A National Football League team that has:

(I) Demonstrated to those members that it is interested in locating or relocating within the stadium district; or

(II) Committed to locate or relocate within the stadium district; and

(2) The person or persons who have:

(I) Demonstrated to those members that the person or persons are interested in and capable of entering into a lease with the Stadium Authority to operate the National Football League stadium project; or

(II) Entered into such a lease.

2. One member appointed pursuant to paragraph (a) of subsection 1 and one member appointed pursuant to paragraph (b) of subsection 1 must be selected from a list of nominees submitted to the appointing authority by the two companies who, either directly or through subsidiaries, affiliates or any related entity under common control with the companies, own or manage the businesses within the County, which in the aggregate generate the greatest amount of taxes on the rental of transient lodging in the County. If the appointing authority reasonably determines that the nominees on any such list of nominees submitted by a nominating company are unacceptable, the companies must submit a new list of nominees. If the appointing authority has determined that no nominee on the first four lists of nominees offered by a nominating company is acceptable, all additional nominations for appointment to the Board must be made by the association of resort hotels whose membership collectively paid the greatest amount of taxes on the rental of transient lodging to the Fund for the Promotion of Tourism pursuant to paragraph (a) of subsection 1 of NRS 244.3354 and paragraph (a) of subsection 1 of NRS 268.0962 in the fiscal year immediately preceding the fiscal year in which the appointment is made and whose members include the two nominating companies or could include those companies if those companies chose to be members of that association. For purposes of this subsection, “affiliate” includes any company in which a nominating company owns fifty percent or more of the ownership interests.

3. ***In appointing members to the Board of Directors, the appointing authority shall consider whether the members appointed to the Board of Directors reflect the diversity of this State, including, without limitation, the age, gender, gender identity or expression, sexual orientation, ethnic***

and geographic diversity of this State. Each member of the Board of Directors must reside within the stadium district and must:

(a) Have experience in the design, engineering and construction of major commercial projects and estimating the costs of the construction of major commercial projects;

(b) Have experience in the financing of capital projects in this State;

(c) Have experience in the field of stadium, arena or event management;

(d) Have experience in workforce development, training, diversity or supplier engagement; or

(e) Be representatives of the private sector and have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Board of Directors.

4. A member of the Board of Directors may not be employed by the same person as another member of the Board or by an affiliate of such a person.

5. A vacancy on the Board of Directors occurs when a member:

(a) Dies or resigns; or

(b) Is removed, with or without cause, by the appointing authority.

6. A vacancy on the Board of Directors must be filled for the remainder of the unexpired term in the same manner as the original appointment pursuant to subsection 1.

7. A member of the Board of Directors is not entitled to receive any compensation for serving as a member of the Board or as an officer or employee of the Stadium Authority.

8. The members of the Board of Directors are public officers for the purposes of chapter 281A of NRS.

Assemblyman C.H. Miller moved the adoption of the amendment.

Remarks by Assemblyman C.H. Miller.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblymen Backus, La Rue Hatch, Gray, DeLong, and Bilbray-Axelrod.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Roll call on Senate Bill No. 1:

YEAS—25.

NAYS—Anderson, Cohen, Considine, Dickman, Gorelow, Gray, Hafen, Hansen, La Rue Hatch, Brittney Miller, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor—15.

EXCUSED—Monroe-Moreno, Newby—2.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 14, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 2 to Senate Bill No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1 and Senate Bill No. 1.

REMARKS FROM THE FLOOR

Assemblyman Yeager requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN HARDY:

I found out this morning that my father, Mel Close, passed away. Although I cannot be with my mom, my daughters, my grandson, and my family today, I feel I was meant to be here to honor and pay tribute to my dad in this building for not only his exemplary public service of almost two decades in this Legislature, but also—and most importantly—for being my dad. I have many wonderful memories being here as a kid. I cannot enter this building without thinking of the time I spent here, going up and down those front steps, sitting with him on the floor, and experiencing firsthand the legislative process among many of the giants of the Nevada Legislature.

This morning, as I talked with my mom and my daughters back home, my daughter Kelsey sent me a video. It was an oral history interview that was done by LCB [Legislative Counsel Bureau] in 2008 at his law firm. It was comforting for me to see him as I remember him and to hear his voice—his calm, kind, reassuring voice—as he recalled some of the time he spent here and how he began his career. One of the things he said was that when he was first elected in 1965, they were still meeting in the old Assembly Chamber.

In his first term, he was appointed Chair of Assembly Judiciary at 30 years old. He said that as he started his first meeting, he looked around and said, “Who is taking minutes of the meeting? Where is the secretary?” And they said, “Oh, sir, we do not have secretaries.” And he said, “Well, we cannot have that. We have to know what went on here. We need a secretary.” So they got him a secretary and as far as we can tell, those were the first minutes of a legislative committee that were recorded. To this day, we have all of our wonderful committee secretaries. That was started by my dad. He was Speaker of the Assembly before being elected to the Senate, where he also served as Chair of Judiciary and President Pro Tempore.

As people have found out that Mel Close is my dad—most people think my dad is Joe Hardy. I tell them no, he is my adopted dad, but Mel Close is my dad. Every single person says, “Oh my goodness. What a remarkable man.” So many had the pleasure to work with him and serve with him. They all say the same things—he was kind, he was humble, and he was always respectful, even if there was disagreement. He would invite you into his office and hear you out.

When I first decided to run for the Assembly and then was elected, I vowed to myself that that is how I would serve. As long as I am here, I can think of no greater honor than to be thought of as somebody who was intelligent but always kind and respectful in their speaking. He was never boastful. He never sought the spotlight. He never sought attention. He did not want it. In fact,

he would probably not want me to be doing this today. But that is what I loved about him. He did not seek it, and he always remained a humble person, even with all he achieved in his life.

I want to share a few things my daughters have posted and sent to me today in remembrance of him. My daughter Sydney said, “He was always the calm in any storm and when he was in your corner, you knew everything was going to be okay. My heart aches terribly, and I will miss him so dearly. I will never stop dreaming, achieving, and making you proud.” My daughter Kelsey did a report on him during her first semester of law school. She wrote, “My grandpa learned from his own father leadership skills and values of hard work, self-determination, and a strong work ethic.” She said, “My grandpa’s life story—his achievements, disappointments, and greatest accomplishments—have all played an important role in my own life and have helped influence my decision to continue to be involved in public service and to give back to the great state of Nevada.”

I want to thank you all for giving me this indulgence. Unfortunately, due to circumstances beyond my control, I was not able to see him or say goodbye. I appreciate you giving me and my family this time to do that today. I found this poem that I think describes him perfectly:

The measure of a man is meticulously defined.
The tapestry crafted and skillfully designed.
Each action a layer that builds on the last.
Carefully constructing and weaving his past.

Conviction of spirit and honesty combine,
Where integrity, truth, and honor entwine.
Compassion for others, not afraid to console,
With passion and drive to stretch for the goal.

A firm hand at the opportune time.
A shoulder to cry on, a poetic rhyme.
His principles strong with no compromise,
No hidden agendas, masquerades, or disguise.

The same around others as he is all alone.
He prospers in the Word as his soul has grown.
He courageously stands when most simply ran.
These are the qualities that measure a man.

I stand here today with tremendous gratitude and honor that I am his daughter, and I vow that as long as I am privileged to serve in this body, I will emulate him and what he taught me. I will miss you, Dad, every day of my life, and I will love and cherish you until that glorious day that we meet again.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Yurek, Watts, and Mosca as a committee to wait upon His Excellency, Joe Lombardo, Governor of the State of Nevada, and inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Torres, Gorelow, and McArthur as a committee to wait upon the Senate and inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate consisting of Senators Hammond and Harris appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblywoman Torres reported that her committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Yurek reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman C.H. Miller moved that the 35th Special Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*, and that it do so in memory of former Assembly Speaker Melvin D. Close, Jr.

Motion carried.

Assembly adjourned at 6:11 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly